

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

WILLIAM GRIBBLE

v.

LOUIS FOLINO, et al,

CIVIL ACTION
NO. 09-2091

ORDER

AND NOW, this 26th day of July, 2024, it is hereby **ORDERED** that:

1. The Commonwealth's Objection to the April 23, 2023 Report and Recommendation of the Magistrate Judge [Doc. 149] is **OVERRULED**.
2. The Petitioner's Objections to the April 23, 2023 Report and Recommendation of the Magistrate Judge [Doc. 155] are **SUSTAINED**.
3. The Report and Recommendation of the Magistrate Judge [Doc. 144] is **ADOPTED IN PART AND NOT ADOPTED IN PART**.
4. The Report is **ADOPTED** with respect to the finding that the Magistrate Judge acknowledged that the Commonwealth had conceded there was a constitutional violation but that she still bore the responsibility to consider the merits of Petitioner's habeas claims.
5. The Report is **NOT ADOPTED** in all other respects.
6. The parties may renew their Joint Motion for Conditional Grant of Writ of Habeas Corpus [Doc. 128 and Doc. 156] within 10 days of the date of this Order.

BY THE COURT:

/s/ Jeffrey L. Schmehl
JEFFREY L. SCHMEHL, J.